

**A**Administrative  
**S**ervices  
**L**etter

**08-11**  
**Leave Usage Pending Retirement**



Signed By	/s/ Marie Stephans, Chief Administrative Services Division	Number	08-11
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Subject	Leave Usage Pending Retirement	Expires	When Canceled
Guide Section	<a href="#">Human Resources</a>	Reference	Government Code Section 19858.7 Department of Personnel Administration Rule 599.638

This Administrative Services Letter (ASL) regarding [Leave Usage Pending Retirement](#) provides you with detailed information on the Air Resources Board's new procedures of granting or running out leave credits pending retirement.

Any questions regarding this ASL should be directed to your [Human Resources Classification and Pay Analyst](#).

# Leave Usage Pending Retirement

## Guidelines for Supervisors

Air Resources Board  
Administrative Services Division  
Human Resources Branch

### Employees

Upon applying for retirement, a person entitled to a lump-sum payment for any unused or accumulated vacation or annual leave may, within the limits noted below, elect to take all or a portion of that vacation/annual leave rather than accept the lump-sum payment on or prior to the effective date of retirement ([Government Code section 19858.7](#)). Applying for retirement is defined as having both filed an application and it being accepted by the [California Public Employees Retirement System \(CalPERS\)](#). As indicated in the CalPERS retirement application publication, applications should not be submitted to CalPERS more than 90 days prior to your retirement date.

In addition to the 90 days for which you may elect to take vacation/annual leave prior to the effective date of your retirement, you may request an additional 90 days of vacation, not to exceed a total of six months. The additional 90 days may be requested prior to submitting your application to CalPERS. Any additional time above the first 90 days, but not exceeding a total of six months, must be requested in writing and requires the approval of the employee's supervisor, Division Chief, Chief of Administrative Services, and the appropriate Deputy Executive Officer. Any remaining leave balances must be paid as a lump-sum payment.

Please note: Department of Personnel Administration Rules 599.738 and 599.752 for excluded employees and the various labor contracts for rank and file employees requires that vacation and annual leave balances not exceed a maximum of 640 hours. Leave balances should be maintained within these rules.

### Supervisors

In instances where an employee has requested a vacation (use of leave balance) pending their anticipated retirement from State service, please know that their position can only be filled no sooner than 90 days prior to the effective retirement date approved by CalPERS.

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